

IN THE FLORIDA SUPREME COURT

INQUIRY CONCERNING A JUDGE NO. 02-466
RE: JUDGE JOHN RENKE III

CASE NO.: SC03-1846

**JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE
IN OPPOSITION TO AMICUS CURIAE MOTION BY JOHN K. RENKE, II**

The Judicial Qualifications Commission hereby files this response in opposition to the Motion for Leave to Submit Brief Amicus Curiae (the “Amicus Curiae motion” hereinafter) filed by John K. Renke, II. The Amicus Curiae motion should be denied because the proposed brief Mr. Renke intends to file does nothing more than argue the facts of the instant case, serves no greater public interest, and simply replicates arguments made by his son, the Respondent, and so fails to aid in the presentation of the issues. Instead, it appears to be an attempt to add seventeen (17) pages of mostly redundant argument to the fifty (50) pages of Respondent’s Initial Brief.

Amicus briefs “are generally for the purpose of assisting the court in cases which are of general public interest, or aiding in the presentation of difficult issues.” Ciba-Geigy Limited, BASF A.G. v. The Fish Peddler, Inc., 683 So. 2d 522, 523 (Fla. 4th DCA 1996). Amicus briefs “should not argue the facts in issue” id., nor “simply give one side more exposure” by merely presenting the same arguments as those made by the party amicus seeks to support. Id.

In the event this Court decides to accept John K. Renke's amicus brief, however, the Judicial Qualifications Commission requests leave to file a substantive reply in a timeframe acceptable to this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing Judicial Qualifications Commission's Response in Opposition to Amicus Curiae Motion by John K. Renke, II has been furnished by U.S. Mail to **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, Florida 33602-4163 and to **John K. Renke, II, Esquire**, Law Offices of John K. Renke, II, 7637 Little Road, New Port Richey, Florida 34654 this 7th day of March, 2006.

Marvin E. Barkin

Attorney